

**REMARKS**

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

**Disposition of Claims**

Claims 1-16 and 37 are pending in this application. Claims 7 and 37 are cancelled by this reply. Claim 1 is independent. The remaining pending claims depend, directly or indirectly, from claim 1.

**Claim Amendments**

Independent claims 1 and 37 have been amended to include the following limitations: (i) “obtaining a first set of filenames from the local workspace”; (ii) “obtaining a second set of filenames from the remote workspace”; (iii) “for each filename in the first set of filenames: placing the filename on a list, if a checksum associated with the filename differs from a checksum of a corresponding filename in the second set of filenames”; and “sending files corresponding to the filenames of the list to the client.” Further, claims 1 and 37 have been amended to clarify: (i) *storing the files* in the temporary local workspace; and (ii) updating the local workspace with the *files* in the temporary local workspace. Further, claim 8 has been amended to clarify that a request is sent to the server. Finally, claims 8 and 13 have been amended to address antecedent basis issues arising from amending claim 1. Support for the aforementioned amendments may be found, for example, in Figures 4A, 4B, 5A, and 5B in the instant specification. No new matter has been added by any of these amendments.

**Rejection under 35 U.S.C. §101**

Claim 37 stands rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. The Applicant respectfully asserts that the preamble of claim 37 makes it clear that the “computer-readable medium” is a tangible medium because it is has *stored thereon* a program. If the computer-readable medium is not tangible, then it could not *store* the program. In asserting that the computer-readable medium could be a “signal,” the Examiner is effectively reading out the explicit requirement that the computer-readable medium must include functionality to store a program. The Applicant respectfully asserts that a signal could only carry (for the purpose of transporting) a program, but does not have the functionality to store a program. In view of the above, claim 37 is directed to statutory subject matter and, accordingly, withdrawal of this rejection is respectfully requested.

**Rejection under 35 U.S.C. §112**

The Examiner has rejected claim 1 under 35 U.S.C. §112, ¶2 as it is unclear to the Examiner *who* is sending a request to the client. Claim 1 has been amended to remove the portion of the claim that the Examiner regards as unclear. Accordingly, this rejection is now moot and withdrawal of this rejection is respectfully requested.

The Examiner has rejected claim 8 under 35 U.S.C. §112, ¶2 as it is unclear to the Examiner what is meant by the limitation “the client sending a request to the client.” Claim 8 has been amended to remove the portion of the claim that the Examiner regards as unclear. Accordingly, this rejection is now moot and withdrawal of this rejection is respectfully requested.

**Rejection under 35 U.S.C. §102**

Claims 1, 7, 12, 14-16, and 37 stand rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 6,151,606 (“Mendez”). Claim 7 has been cancelled by this reply. Accordingly, this rejection is now moot with respect to the cancelled claims. To the extent that this rejection applies to the amended claims, the rejection is respectfully traversed.

As discussed above, claim 1 has been amended to include the limitation: “for each filename in the first set of filenames: placing the filename on a list, if a checksum associated with the filename differs from a checksum of a corresponding filename in the second set of filenames.” The Examiner has admitted that Mendez does not teach or suggest the “use of filenames or checksums to determine the set of different files...” (*see* Office Action mailed August 24, 2005, p. 7). Accordingly, Mendez does not teach or suggest all the limitations recited in amended independent claim 1.

In view of the above, amended independent claim 1 is patentable over Mendez. Amended independent claim 37 includes at least the same patentable limitations as amended independent claim 1. Accordingly, independent claim 37 is also patentable over Mendez. Dependent claims are patentable over Mendez for at least the same reasons. Withdrawal of this rejection is respectfully requested.

**Rejection under 35 U.S.C. §103**

Claims 2-6 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mendez in view of U.S. Patent No. 6,098,093 (“Bayeh”). To the extent that this rejection applies to the amended claims, the rejection is respectfully traversed.

Claims 2-6 and 13 are dependent on claim 1. As discussed above, claim 1 has been amended to include the limitation: “for each filename in the first set of filenames: placing the filename on a list, if a checksum associated with the filename differs from a checksum of a corresponding filename in the second set of filenames.” The Examiner has admitted that Mendez does not teach or suggest the “use of filenames or checksums to determine the set of different files...” (*see* Office Action mailed August 24, 2005, p. 7). Accordingly, Mendez does not teach or suggest all the limitations recited in amended independent claim 1.

Further, the Examiner has not relied upon Bayeh to teach the aforementioned limitation that the Examiner has admitted is not taught by Mendez. (*See* Office Action mailed August 24, 2005, pp. 5-7). Accordingly, amended independent claim 1 is patentable over Mendez and Bayeh. Dependent claims 2-6 and 13, which depend, directly or indirectly, from claim 1, are patentable over the Mendez and Bayeh for at least the same reasons. Withdrawal of this rejection is respectfully requested.

Claims 8-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mendez in view of U.S. Patent No. 5,878,218 (“Maddalozzo”). Claims 9-11 have been cancelled by this reply. Accordingly, this rejection is now moot with respect to the cancelled claims. To the extent that the rejection still applies to the pending amended claims, the rejection is respectfully traversed.

Claim 8 is dependent on amended independent claim 1. As discussed above, claim 1 has been amended to include the limitation: “for each filename in the first set of filenames: placing the filename on a list, if a checksum associated with the filename differs from a checksum of a corresponding filename in the second set of filenames.” The Examiner has admitted that Mendez does not teach or suggest the “use of filenames or checksums to determine the set of

different files...” (see Office Action mailed August 24, 2005, p. 7). Accordingly, Mendez does not teach or suggest all the limitations recited in amended independent claim 1.

Further, Maddalozzo does not teach that which Mendez lacks. Specifically, Maddalozzo is directed to determining the presence of a requested file in a cache using a checksum associated with the file. Further, if the file is present, the checksum is used to determine whether the version of the file in the cache is the latest version of the file. (See Maddalozzo, Figure 5A). However, neither Maddalozzo nor Mendez teach or suggest: (i) “obtaining a first set of filenames from the local workspace”; (ii) “obtaining a second set of filenames from the remote workspace”; (iii) “for each filename in the first set of filenames: placing the filename on a list, if a checksum associated with the filename differs from a checksum of a corresponding filename in the second set of filenames”; (iv) “sending files corresponding to the filenames of the list to the client”; (v) *storing the files* in the temporary local workspace; or (v) updating the local workspace with the *files* in the temporary local workspace, as recited in amended independent claim 1.

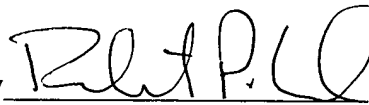
In view of the above, amended independent claim 1 is patentable over Maddalozzo and Mendez. Amended dependent claim 8, which depends directly on claim 1, is patentable over Maddalozzo and Mendez for at least the same reasons. Withdrawal of this rejection is respectfully requested.

**Conclusion**

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 16159/010001; P5909).

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Respectfully submitted,

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